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1 those people initiate the ACDVs that are sent to the
2 data furnishers. For the ACDVs received back by the
3 data furnishers that are not handled by automation, that
4 an agent reviews, I would refer to them as an ACDV
5 response agent.

6 Q. Okay. So do these dispute or response agents,
7 do they have the ability to verify information by making
8 a phone call to a furnisher or to a consumer?

9 MR. STRAZZERI: Objection, form.

10 A. They do have the ability to contact the data
11 furnisher by telephone. I am not certain if they would
12 contact a consumer in response to an ACDV form. I'm
13 simply not sure about that last portion.

14 Q. (By Mr. Mallon) Not likely that they would,
15 correct?

16 MR. STRAZZERI: Objection, form.

17 A. I've never -- in my personal experience, I've
18 never seen that. I wouldn't say that it has not
19 happened. I just don't know that they would.

20 Q. (By Mr. Mallon) Okay. But you've never seen
21 it happen in your experience?

22 A. In my personal experience, I have not seen
23 that.

24 Q. Okay. But they do have the capacity to make a
25 phone call to the furnisher, correct?

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1 A. Yes, that is correct.

2 Q. Okay. And does that ever happen? Have you
3 seen that happen in your experience?

4 MR. STRAZZERI: Objection, form.

5 A. No, I don't believe that I have ever seen the
6 ACDV response agent actually call the data furnisher.
7 That's not to say that it does not happen.

8 Q. (By Mr. Mallon) But you've never seen it
9 happen?

10 A. But in my personal experience, I have not seen
11 that happen.

12 Q. And you've worked for Experian for
13 approximately 10 years, correct?

14 A. I have worked for Experian for approximately 10
15 years. I have never actually held a job function in
16 responding to the ACDVs, so I wanted to preface that.
17 Yes, I have been with Experian for 10 years. We're just
18 talking about a different segment of the job that I
19 personally have never held.

20 Q. I thought that was your first job, handling
21 disputes, no?

22 A. I was a dispute agent when I first got to
23 Experian. I initiated the ACDVs that were sent to the
24 data furnishers. I assisted consumers over the
25 telephone and over the mail. So I did not receive and

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1 process the responses back from the data furnishers.

2 Q. Okay. So you have never held that -- you have
3 never done that?

4 A. That's never been my primary function. I'm
5 educated on the policies and procedures and how to
6 respond to them. If you're asking me have I ever held
7 that job, that would be no.

8 Q. Okay. Why don't we get back to Exhibit 3 and
9 turn to the third page there, which would be probably --
10 it's Experian 18, I believe. Do you see that?

11 A. I have that.

12 Q. Okay. Can you describe this document to me?

13 A. Certainly. This is an ACDV generated by
14 Experian sent to Central Financial Control. It pertains
15 to a dispute by Ms. Jones, indicating that the
16 particular Central Financial Control account number did
17 not belong to her, that it was opened fraudulently in
18 her name.

19 Q. Okay. Very good. The top left-hand corner, it
20 says "Program: Caprespa." Do you see that?

21 A. I do.

22 Q. What does that mean?

23 A. I'm not familiar with that abbreviation. I'm
24 not sure.

25 Q. Okay. Below that it gives a subcode. Is that

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1 number. That in itself won't tell me the location of
2 the office. I would actually have to look up that
3 individual to make that determination, what office they
4 are working out of.

5 Q. Okay. Going back up to the top right-hand
6 corner. It says "Date Sent: 1/20/2011." Do you see
7 that?

8 A. I do.

9 Q. What does that mean?

10 A. Well, that would indicate that the ACDV was
11 sent to Central Financial Control on January 20, 2011.

12 Q. Okay. And then it says a date due of
13 2/27/2011. Do you see that?

14 A. Yes, sir, I do.

15 Q. How was the due date determined?

16 A. Well, there is a -- a reinvestigation can take
17 between 30 to 45 days. The difference between 30 or 45
18 days for the due date depends on what type of credit
19 report is being used. For example, if Ms. Jones
20 requests her yearly free credit report and then submits
21 a dispute based off that information, that dispute would
22 allow 45 days. If Ms. Jones were to simply contact
23 Experian and purchase a copy of her disclosure and she
24 disputed information off the disclosure she paid for,
25 that would allow 30 days. So if a consumer requested a

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1 MR. MALLON: He's produced here to talk
2 about the investigation, so I'm asking him if that was
3 taken into consideration or if it should have been.

4 MR. STRAZZERI: How would he know whether
5 something was considered?

6 MR. MALLON: He can answer the question.

7 Q. (By Mr. Mallon) Can you answer the question,
8 Mr. Scott?

9 MR. STRAZZERI: The question is: What did
10 the agent consider? Is that the question?

11 MR. MALLON: Can you read back the
12 question, please, Reporter?

13 (Record read.)

14 MR. STRAZZERI: So your question is whether
15 or not the agent had taken that into consideration?

16 MR. MALLON: Joe, I would like an answer.
17 I would like you to stop with the speaking objection and
18 let him answer the question.

19 Q. (By Mr. Mallon) Can you answer the question,
20 Mr. Scott?

21 MR. STRAZZERI: Objection, form.

22 A. Well, I'll respond by saying, sir, I can't -- I
23 can't say for certain what the individual who reviewed
24 this specific ACDV in 2011, you know, what they were
25 keying in on. More weight is given to a Social Security

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1 inspector or the secret service, several different law
2 enforcement options to get an investigative report for
3 identity theft.

4 When Experian receives a valid identity
5 theft, Experian will block the information that the
6 consumer is stating is fraudulent. So Experian had not
7 yet received an identity theft from Ms. Jones so the
8 address still was on file and it was considered to be
9 valid.

10 Q. Okay. So as long as -- you know, despite the
11 fact that she's claiming this is identity theft, the
12 date of birth is wrong and the address doesn't match the
13 Bronx address that the consumer reported and Experian
14 had on file for a number of years, Experian wouldn't
15 change this information because she didn't send a police
16 report, correct?

17 MR. STRAZZERI: Objection, form.

18 A. As a valid identity theft report had not been
19 received by Ms. Jones at the time this ACDV was
20 generated and when Experian received the response back
21 from Central Financial Control, the address was still on
22 file as being a valid address, Experian's policy would
23 have been to process the update. So the account was
24 updated and Ms. Jones was notified.

25 Q. (By Mr. Mallon) And the notification was sent

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1 60 seconds here? I'll be right back. I'll just put you
2 guys on hold. Is that okay, Joe?

3 MR. STRAZZERI: Yeah. Go off the record.

4 (Recess taken.)

5 Q. (By Mr. Mallon) Mr. Scott, let me ask you a
6 question about Experian's reinvestigation of these two
7 accounts here. You said the analyst would have looked
8 at this information provided by the furnisher, correct?

9 A. Yes.

10 Q. And then analyzed it to see -- based upon
11 Experian's policies and procedures, to see if this
12 account should remain on the consumer report; is that
13 right?

14 A. Well, in reviewing the ACDV response, the ACDV
15 response agent would look to see what was on file. For
16 example, if an account had previously been blocked due
17 to identity theft, so we would look to see what's on
18 file and we would take that into consideration.

19 Q. Okay. Would they look at things like
20 plaintiff's prior address history to show that she had a
21 consistent history of living in the Bronx for the past
22 10 years or something like that or would that not be
23 relevant?

24 MR. STRAZZERI: Objection, form.

25 A. The agent would really focus in on what had

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1 been provided by the consumer and what had been provided
2 by the subscriber.

3 Q. (By Mr. Mallon) Okay. So they wouldn't really
4 look at things like that, correct?

5 MR. STRAZZERI: Objection, form.

6 A. You know, I can't speak for somebody else and
7 what they would look at, but the Experian policy would
8 direct them to look to see if the address that had been
9 reported by the data furnisher was blocked due to fraud.

10 Q. (By Mr. Mallon) Okay. So Experian's policies
11 would not be to review things like the plaintiff's
12 entire address history to see if this account should
13 remain on her report or not, correct?

14 MR. STRAZZERI: Objection, form.

15 A. It's my understanding that the prior history,
16 the prior address history would not come into play if it
17 were not -- if it was not given on this ACDV response.

18 Q. (By Mr. Mallon) It wouldn't, in that
19 Experian's policies and procedures wouldn't look at
20 anything about how long the plaintiff had reported fraud
21 in various manners to Experian, correct?

22 MR. STRAZZERI: Objection, form.

23 A. In the ACDV response, again, it's really
24 looking at the information provided by the consumer and
25 the information received back from the data furnisher

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1 information you brought up, allegations or security
2 freezes would be considered beyond what I stated. It
3 looks for the information on the ACDV and whether that
4 had previously been blocked due to fraud.

5 Q. (By Mr. Mallon) Okay. That's all. Why don't
6 we look at another ACDV here. This one would be Page 23
7 in the exhibit and it's another dispute with Central
8 Financial Control. Let me know if you see that.

9 A. What is the Bates number?

10 Q. Bates No. Experian 23.

11 A. Okay. I see that.

12 Q. And this ACDV is dated March 8, 2012, correct?

13 A. Yes.

14 Q. Okay. Again, this is relating to one of the
15 Central Financial Control accounts, correct?

16 A. That's correct.

17 Q. And again the plaintiff is claiming she's a
18 victim of identity theft, correct?

19 A. Yes.

20 Q. There's also a note that this account was
21 involved in litigation and that she's claimed that she's
22 a victim of identity theft in the litigation; is that
23 correct?

24 A. Yes, that is what this indicates.

25 Q. Okay. And do you know why that notation of

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1 A. The data furnisher requested certain data
2 elements to be updated.

3 Q. (By Mr. Mallon) And what happened?

4 MR. STRAZZERI: Objection, form.

5 A. The updates were processed.

6 Q. (By Mr. Mallon) Okay. And the account
7 remained on Ms. Jones' consumer report, correct?

8 MR. STRAZZERI: Objection, form.

9 A. As the response was not a request to delete,
10 then, yes, the account would have remained on file as a
11 result of this contact.

12 Q. (By Mr. Mallon) Was Ms. Jones ever provided
13 with notice of the results of this reinvestigation?

14 A. That I'm not sure.

15 Q. Do you have any evidence that she was provided
16 with these results?

17 A. Because this was initiated at the direction of
18 counsel, I'm not sure.

19 Q. So you don't think she was, correct?

20 MR. STRAZZERI: Objection,
21 mischaracterizing his testimony.

22 Q. (By Mr. Mallon) You can answer.

23 A. It wasn't as if Ms. Jones had contacted
24 Experian to request this reinvestigation. It was
25 requested at the direction of counsel.

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1 Q. (By Mr. Mallon) And that's why she wasn't
2 notified of the results of the reinvestigation, correct?

3 MR. STRAZZERI: Objection, mischaracterizes
4 his testimony. Assumes facts.

5 A. When the investigation results -- or when the
6 investigations or reinvestigations were completed, we
7 would have provided counsel with the results of the
8 reinvestigation that counsel requested. To the extent
9 that I have no knowledge if Ms. Jones did or did not
10 ever see the investigation results of this contact.

11 Q. (By Mr. Mallon) Okay. That's fine. And why
12 don't we look at one more document on Exhibit 3, please.
13 Please turn to Page Experian 22, which does not appear
14 to be an ACDV, but a good old-fashioned Consumer Dispute
15 Verification.

16 A. (Witness complies.) Yes, sir, I have that.

17 Q. Okay. And this is not an ACDV, correct?

18 A. That is correct. It was a CDV, a paper
19 version.

20 Q. Can you tell us what a CDV is?

21 A. It is the paper version of the ACDV.

22 Q. Okay. And does it function essentially the
23 same?

24 A. That is correct.

25 Q. It was done manually instead of automated?

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1 A. For the -- for the consumer identification
2 given to us by the subscriber, yes.

3 Q. Okay. And it looks like they've got a
4 different name for her. Instead of Keisha Jones,
5 they've got Keshia Jones, K-e-s-h-i-a. Do you see that?

6 A. Well, it is a different spelling than what
7 Experian had provided them.

8 Q. So it's not the same spelling of her name,
9 correct?

10 A. Correct.

11 Q. Okay. And it's got a different address? It's
12 got an address of 332 West Berkley Street, Philadelphia,
13 Pennsylvania, correct?

14 A. Yes.

15 Q. But it looks like they checked the box that the
16 Social Security number and date of birth was the same,
17 correct?

18 A. Yes.

19 Q. Okay. So what does that indicate to Experian?

20 A. What does what indicate to Experian?

21 Q. That information on the right, is that --
22 that's telling Experian what information they have on
23 file for the plaintiff?

24 A. Yes, sir.

25 Q. Okay. And then below that, I guess under

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1 "Verified As Reported," and it's got some actual
2 information about the account. Do you see that with a
3 balance of \$2,956?

4 A. Correct.

5 Q. And the dates on the account are January 24,
6 2009, June 23, 2011. Do you see that?

7 A. Yes, sir.

8 Q. Okay. Then it says, "Special handling.
9 Contact subscriber if info is needed." Do you see that?

10 A. I do.

11 Q. Do you know what that means?

12 A. Well, everything that you just read in this
13 field is a snapshot of what Experian had on its file at
14 the time. That comment would have also been displaying
15 at the time this CDV was generated.

16 Q. And was this -- did Experian to this account
17 then verified by Comcast?

18 MR. STRAZZERI: Hold on a second. What was
19 the question?

20 Q. (By Mr. Mallon) Did Experian consider this
21 account verified by Comcast?

22 A. Well, on the CDV the representative for Comcast
23 checked the box "Verified As Reported."

24 Q. And that's enough for Experian, right?

25 MR. STRAZZERI: Objection, form.

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1 A. No. Experian analyzes the CDV response as
2 well.

3 Q. (By Mr. Mallon) How would they have analyzed
4 the CDV response pursuant to their policies and
5 procedures?

6 A. When Experian received this response from
7 Comcast, much like in our earlier discussions, it's
8 going to compare what Experian has on file against what
9 was provided. It's going to look to see if information
10 had been previously blocked due to fraud. If
11 information that had been provided by the data furnisher
12 was appearing on the consumer disclosure and the request
13 was verified as reported, there would not be any change
14 on this particular account.

15 Q. And that's what happened here?

16 MR. STRAZZERI: Objection, form.

17 A. Can you clarify your comment "That's what
18 happened here?"

19 Q. (By Mr. Mallon) Well, the information remained
20 on the consumer -- the plaintiff's consumer report,
21 correct?

22 A. One second. Yes. The account was -- or it
23 remained on file, and it had the consumer statement
24 "Item disputed by consumer."

25 Q. Right. And do you know if this account, this

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1 document.

2 Q. (By Mr. Mallon) But sitting here today, do you
3 know if it was Experian's decision or Comcast's decision
4 to remove this account from the plaintiff's consumer
5 report?

6 MR. STRAZZERI: Objection, form.

7 A. No, sir, I don't know.

8 Q. (By Mr. Mallon) Okay. And does the same go
9 with the Central Financial Control accounts, which have
10 been removed from the plaintiff's consumer report?

11 MR. STRAZZERI: Objection, form.

12 A. And again you're asking if I recall the direct
13 reason?

14 Q. (By Mr. Mallon) Just start with even more
15 basic. Who directed that it be removed? Was it
16 Experian decided to remove that on its own or did
17 Central Financial Control direct Experian to remove that
18 account?

19 MR. STRAZZERI: Objection to form.

20 A. Sitting right now with the documents in front
21 of me, I don't recall.

22 Q. (By Mr. Mallon) Is there a document you could
23 look to to obtain that information?

24 MR. STRAZZERI: Objection, asked and
25 answered.

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1 educational paragraphs, but not necessarily include a
2 copy of her disclosure.

3 Q. Okay. So something was generated on that date?

4 A. Yes.

5 Q. Can you tell based on this entry what was
6 generated?

7 A. You haven't clarified which entry you're
8 referring to, sir.

9 Q. The first one.

10 MR. STRAZZERI: Are we talking about 1148?

11 MR. MALLON: Yes.

12 A. The first entry, which I consider to be the
13 first entry, is the oldest entry and that was dated
14 August 23rd of 2002.

15 Q. (By Mr. Mallon) Still on the first page? Is
16 that on Page 1148?

17 A. Yes, sir, it is.

18 Q. Okay. I see that. And what does -- what does
19 the oldest entry say there?

20 A. Well, on this date Experian added an initial
21 security alert and also provided Ms. Jones with a copy
22 of her consumer disclosure free of charge due to her
23 allegedly being a victim of identity theft.

24 Q. Okay. Does this indicate to you that Ms. Jones
25 notified Experian as early as August of 2002 that she

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1 because she stated that she could be a victim of
2 identity theft.

3 Q. Okay. So, again, my prior question was: Does
4 this indicate that as early as August 2002 Ms. Jones
5 notified Experian that she might be a victim of identity
6 theft?

7 MR. STRAZZERI: Objection to form. The
8 document states, speaks for itself.

9 A. Sir, I see the code that you're referring to,
10 but below that I see more specific information
11 indicating that a security alert was added because it
12 was requested, and because it was requested, we sent a
13 free copy of a disclosure.

14 Q. (By Mr. Mallon) Okay. And then the entry
15 above that is December 29, 2002. Do you see that?

16 A. I do.

17 Q. What is that entry for?

18 A. An initial security alert was requested.
19 Experian added the alert and again sent Ms. Jones a
20 complimentary copy of her Experian disclosure.

21 Q. Okay. The next entry is June 18, 2004. I'm
22 sorry. I'm missing one. The next entry is June 10,
23 2003. What is that for?

24 A. Well, on June 9th, Experian received a request
25 from Ms. Jones requesting a free copy of her credit

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1 amount of time. They're typically broken down to cover
2 different amounts of time.

3 Q. Right.

4 A. So this was not generated on 2007. It would
5 just cover the date ending August 20, 2007.

6 Q. Okay. Can you tell me what a DR log discloses?

7 A. The DR log, that will give you a variety of
8 information. It will show reinvestigations; it will
9 show paragraphs that might have been sent to the
10 consumer; it will show different remarks, internal
11 remarks, external remarks sent to Ms. Jones; how often
12 she requested a security alert; if a security freeze is
13 added. It just covers a lot more information that the
14 disclosure log would not contain.

15 Q. Okay. Why don't we move on to Page 1156.
16 About halfway down the page there's a entry dated, a
17 stamped date of March 18, 2005. Do you see that?

18 A. Yes. I see several contacts with that stamp
19 date.

20 Q. Sure. There's one regarding an HSBC/tax. Do
21 you see that one?

22 A. I see an address, but that was associated with
23 HSBC/tax.

24 Q. Okay. Does this entry indicate that that
25 address was deleted?

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1 A. Yes. 7610 Gilbert Street in Philadelphia was
2 deleted on that date.

3 Q. Does this indicate why it was deleted?

4 A. It was -- the allegation of the account, the
5 address did not belong to Ms. Jones.

6 Q. Okay. Below that it looks like we've got
7 another deleted address dated the same date. Do you see
8 that?

9 A. Yes, sir.

10 Q. For the 7209 Devon Street in Philadelphia,
11 Pennsylvania?

12 A. Yes. That was soft deleted.

13 Q. Why was it deleted?

14 A. Again, the allegation that the address did not
15 belong to her.

16 Q. Okay. And understanding that Ms. Jones alleged
17 that. But we know that that doesn't mean that
18 Experian's automatically going to remove the address,
19 correct?

20 A. Well, pursuant to Experian's policies and
21 procedures, it can remove an address without an identity
22 theft report, so in this instance the addresses were
23 soft deleted.

24 Q. Okay. Do you know does this indicate if
25 Experian did any reinvestigation regarding those

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1 2005.

2 Q. (By Mr. Mallon) Okay. And as a result of
3 that, a driver's license was deleted from her consumer
4 report; is that correct?

5 A. That is what this indicates, yes.

6 Q. Okay. Are driver's license numbers typically
7 reported on Experian consumer reports?

8 A. Speaking from my personal history, I have not
9 seen many instances of a driver's license appearing on a
10 consumer disclosure.

11 Q. Okay. Why don't we go to Page 1159. The entry
12 at the very top of the page dated February 18, 2005,
13 this indicates that the plaintiff here put a fraud
14 victim alert on her report?

15 A. It would indicate that an extended security
16 alert was added to her file. Who made the request,
17 whether it was Ms. Jones directly or another CRA, this
18 entry does not disclose that.

19 Q. Okay. But it was added to her file?

20 A. Correct.

21 MR. STRAZZERI: Whenever is a good stopping
22 point, I'd like to take a five-minute break?

23 MR. MALLON: Yeah. How long do you --

24 MR. STRAZZERI: Just five minutes or so.

25 MR. MALLON: Okay. Let's take five minutes

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1 A. Yes, sir.

2 Q. Do you know why it was sent to that address?

3 A. Well, this item was investigated because of a
4 phone call. She could have indicated that the P.O. Box
5 in the Bronx was her mailing address that she desired to
6 have her mail sent to.

7 Q. Okay. When a consumer calls in, I assume you
8 need certain information from them to verify that it's
9 actually the consumer calling, correct?

10 A. Correct. They would need to verify their name,
11 their mailing address, Social Security number, and date
12 of birth.

13 Q. Well, how do you know that their mailing
14 address is correct? What do you compare that to?

15 A. For example, like the phone call that we're
16 describing, we can ask and request that verification.

17 Q. Okay. So you'll ask them what their mailing
18 address is, correct?

19 A. Well, on a phone call like we're describing,
20 yes.

21 Q. Okay. And how would you -- what will you
22 compare it to in the file to make sure that that address
23 is correct?

24 MR. STRAZZERI: Objection, form.

25 Q. (By Mr. Mallon) Does Experian have an address

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1 what one might consider traditional consumer statements.
2 It's alerting her that she does have an extended fraud
3 alert on her file valid for seven years and also her
4 file has been frozen due to the security freeze she
5 requested.

6 Q. So this indicates to you that her file was
7 frozen at this point in time, correct?

8 A. Yes, that's correct.

9 Q. Do you know when her file was frozen?

10 A. One moment. Let me go back to Exhibit 5. It
11 appears that her file was frozen as of November 17,
12 2006.

13 Q. November? And where did you get that from?

14 A. Bates 1150.

15 Q. 1150. What part of the page is that on?

16 A. The second entry from the top, you'll see
17 "Letter Paragraphs: Freeze confirmation letter."

18 Q. Just give me a second here. Okay. It says
19 "Freeze confirmation letter. New York freeze notice of
20 rights process," right?

21 A. Yes, sir.

22 Q. Does that indicate to you that she placed a
23 security freeze pursuant to New York law, right?

24 A. Yes, sir.

25 Q. Okay. Do you know what a security freeze is